

### **REMARKS**

Claims 19-32 are now pending in the application. Claim 24 is now amended. Claims 25 – 32 are now added. The claim amendments and new claims are fully supported by the application as filed and do not present new subject matter. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **TELEPHONIC INTERVIEW**

Applicant's representative, Brent G. Seitz, thanks Examiners Woodall and Robert for the courtesies extended during the telephonic interview of December 19, 2006. During the interview differences between the cited art and Applicant's invention were discussed. No agreements were reached.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 19-24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U et al. (International Publication WO 01/32068). This rejection is respectfully traversed.

Amended independent Claim 24 recites, in part, "connecting a **removable connector** to said second implant during a revision procedure; and flowing the flowable material through said second implant and **through said first implant** during the revision procedure..." (emphasis added).

The U et al. reference appears to disclose, with reference to Figure 1D, "A substance delivery device 9d, having a screw-shaped casing 10d with pores 13d."

Page 5, lines 20-21. "The casing 10d can serve as both a fastener and a substance delivery device 9d." Page 5, line 22. The device "may be used to secure, for example, bone plates or meshes to bone." Page 6, lines 1-2. In another embodiment, the substance delivery device can include an access tube 14 (Figure 2). The access tube permits access to chamber 11 once the device has been implanted. Page 10, lines 2-3. The tube can be used to introduce biocompatible fluids to the chamber after the device has been implanted. The tube is a permanent tube and is not removable. Further, biocompatible material disclosed by U et al. does not include bone cement.

The U et al. reference fails to disclose or suggest "connecting a removable connector to said second implant during a revision procedure; and flowing the flowable material through said second implant and through said first implant during the revision procedure," as set forth in amended Claim 24. Therefore, the U et al. reference fails to disclose or suggest each and every feature of amended Claim 24.

Applicant respectfully requests reconsideration and withdrawal of this Section 102 rejection of Claim 24 and those claims dependent therefrom.

#### **NEW CLAIMS**

New Claims 25 through 32 are now added. The new claims are fully supported by the application as filed. For example, support for the new claims is found throughout the specification as filed, such as at paragraphs [0025] – [0040] and Figures 2-3.

The new claims are not anticipated or rendered obvious by the cited art. Specifically, the cited art fails to disclose each and every one of the following features of new independent Claim 25: positioning the implant relative to the bone during an initial procedure; securing the implant to the bone with the fastening device during the initial procedure; connecting a removable delivery device to the fastening device during a revision procedure; injecting a flowable material through the fastening device and into the bone using the removable delivery device; and detaching the removable delivery device from the fastening device.

The cited art fails to disclose or suggest each and every one of the following features of new independent Claim 29: positioning the implant relative to the bone during an initial procedure; inserting the fastening device through a bore in the implant and into the bone to secure the implant to the bone during the initial procedure; connecting a removable delivery device to a head of the fastening device during a revision procedure; injecting a flowable material through an internal bore in the fastening device that extends from the head of the fastening device to a body portion of the fastening device, the flowable material exits the body portion through an aperture in the body portion; and detaching the removable delivery device.


The remaining new claims are dependent on either new Claim 25 or new Claim 29. Therefore, the combination of the new dependent claims with their respective independent claims is also not anticipated or obvious in light of the cited art at least for the reasons set forth above with respect to the independent claims from which they depend.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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